

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ALONZO HORTA,
a/k/a "Blue"

No. 16 CR 463-23

Judge Virginia M. Kendall

The Government's Sentencing Memorandum

Defendant Alonzo Horta should be sentenced to 30 years in prison for the murder of Alfonso Calderon and for his participation in the violent racketeering enterprise that is the Latin Kings street gang. Horta was a true believer in gang life and engaged in increasingly violent conduct that culminated in his wanton shooting of Calderon. A 30-year sentence is necessary to protect the community from Horta; to deter him and others from the shootings and gang-inspired mayhem that spread fear through neighborhoods inhabited by law-abiding people; to hold him accountable for the murder of Calderon and for his violent activities; and to provide a measure of justice to the family of Calderon and the other victims of Horta's criminal conduct.

I. Alonzo Horta's Criminal Conduct¹

A. The Racketeering Enterprise and Conspiracy Joined by Horta

By the time Alonzo Horta joined the gang, no later than in 2013 (Dkt. 2029 at 2), the Latin Kings had operated as a violent criminal organization for decades. It has long been a “notorious” street gang for its violence against the people of Chicago, the city of its founding. *See United States v. Garcia*, 754 F.3d 460, 465 (7th Cir. 2014). The gang is “hierarchical and multinational”; “distributes cocaine, heroin, and marijuana; and engages in assault, burglary, homicide, identify theft, and money laundering, among other unlawful activities.” *United States v. Porraz*, 943 F.3d 1099, 1101 (7th Cir. 2019). Latin Kings in the Seventh Circuit have been prosecuted time and again—for murder, assault, racketeering, extortion, and drug-trafficking. *See, e.g.*, *id.*; *Garcia*, 754 F.3d 460; *United States v. Tello*, 687 F.3d 785, 794 (7th Cir. 2012); *United States v. King*, 627 F.3d 641 (7th Cir. 2010); *United States v. DeSilva*, 505 F.3d 711 (7th Cir. 2007); *United States v. Olson*, 450 F.3d 655 (7th Cir. 2006). Meanwhile, Horta and his cohort in the Latin Kings extended the gang’s tentacles around communities and perpetuated its violent existence.

The Latin Kings was and is still a national street gang organized by geographic regions. Each region had a structure of leaders who were responsible for overseeing

¹ The sources of information in this section are the plea agreement (“Dkt. 2029”), the Probation Office’s Presentence Investigation Report (“PSR”) and Supplemental Report (“SR”), the Government’s Version of the Offense (“GVO”), and the transcript of the March-April 2019 trial in this case.

the chapters within the region. Among the regions was the Southeast Region, which included chapters in northern Illinois and northwest Indiana. The regional leadership consisted of one or more Regional Enforcers, whose responsibilities included the enforcement of the gang's laws and rules and the imposition of punishment for violations of them, and one or more Regional Treasurers, whose responsibilities included the collection of dues from chapters. Those leaders reported to the Regional Inca. Each chapter had its own structure of leaders, who reported to the regional leaders. That structure included the Inca, who was the leader of the chapter; the Cacique, the second in command; and the Enforcer, who, like his regional counterpart, was responsible for enforcing discipline and adherence to laws and rules.

B. Alonzo Horta's Conduct in the Latin Kings

Alonzo Horta's commitment to the Latin Kings and to crime as a way of life started at a young age. As early as age 14, he boasted through his Facebook account of carrying guns, selling drugs in his neighborhood, and being ready to commit violence:

Posted 2011-05-03 04:23:40 UTC

Status onda block all day with da pills n da white! money forrr crack!

Posted 2011-08-25 05:42:08 UTC

Status Muthafuck a friend I don't need no friend My friend is my smith&wesson

Posted 2011-10-20 04:48:03 UTC

Status it WAS BLUEEEE dat was behind da massk! got Da Strap in my lap

Posted 2011-12-28 09:42:14 UTC

Status If u ain't from my hood u can get it quicka all my niggas ride wid guns n they will kill ya DarkSide

(GVO at 3 & Ex. G.) Even before those posts, Horta had been convicted of an offense in which he picked up a shovel and hit a person in the head with it. (See PSR ¶ 61.)

By age 15, Horta was contemptuous of law enforcement and the justice system and proclaimed his contempt proudly:

Posted 2012-05-31 01:05:25 UTC

Status im trippingg.. fck da feds know u watchin doing dicks haha !! loudd on deck nregggg.

Posted 2013-02-28 14:02:42 UTC

Status on my way to court fck da jury n da case #riddin&smokinn

Posted 2013-03-22 15:13:29 UTC

Status fightin a lil case but its still fuck the cops #smoking dope feelin lk a hype

Posted 2013-12-09 15:28:33 UTC

Status after 7 months finally got my last court toma fck it hope they drop my shit fck all dem goofys in tht court room amor

(GVO at 3 & Ex. G.)

When he joined the Latin Kings, no later than in 2013, Horta agreed and knew that a co-conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Latin Kings and also agreed:

- to protect Latin King territory from rival gangs, including by use of murder and other violence;
- to engage in attacking rival gang members and to participate in shootings of rival gang members;
- to engage in witness retaliation and witness tampering against people who cooperated with law enforcement;
- to engage in a system of violations through which the Latin Kings beat, extorted, and threatened other members of the enterprise; and

- to engage in the illegal trafficking of controlled substances through the Latin Kings.

(Dkt. 2029 at 4-5.)

Horta was a proud member of the gang's 102nd Street Chapter and, among the Latin Kings' rival gangs, he held especial venom toward the Spanish Vice Lords, of whom he claimed to be a "killa":

Posted 2013-12-29 09:34:44 UTC

Status Still up bitch Spanish vice lord killa bitch get chu sum a 100 2ndk bitch

(*Id.* at 6, 8; GVO at 3 & Ex. G.) It is evident, often in Horta's own words and images, that between 2013 and his arrest in this case in February, 2018, Horta became consumed by criminal gang life and became the killer he wanted to be.

1. Horta's Role in a Beating in March 2013

On March 31, 2013, Horta and another Latin King threw gang signs and screamed "King love" as fellow Latin Kings beat up a man who they believed belonged to the Two Six gang. (GVO at 2 & Ex. A.)

2. Horta's Shooting at a Rival in April 2013

Two weeks later, on April 13, 2013, Horta was armed with a stolen and loaded pistol and was in a vehicle being driven by another Latin King in a neighborhood claimed by the Spanish Vice Lords. A vehicle being driven by a Spanish Vice Lord struck Horta's vehicle, and Horta exited his vehicle and fired shots at the Spanish Vice Lord's vehicle, hitting a third vehicle. Horta shot at the Spanish Vice Lord's

vehicle because he believed it had rammed his vehicle in furtherance of the rivalry between the Latin Kings and the Spanish Vice Lords. (GVO at 2 & Ex. B.)

Earlier that year, Horta had bragged of hanging out with his “shooters”:

Posted 2013-01-11 19:46:46 UTC

Status im with my young niggas yaah got my shooters dressed in black dat aint nun nigga
#dem choppa shells gon hit yo back nigga #Lblock #gettingit

(*Id.* at 3 & Ex. G.) In the 15 months following the shooting, Horta continued to proclaim his disdain for the justice system and his fixation with guns:

Posted 2014-03-26 17:02:31 UTC

Status Freashh up outa jail I can't even sleep I been up a week right back to da streets
#wildhunnids

Author Real Doeboii (100001526672765)

Sent 2014-05-02 02:05:20 UTC

Body Eeeee fck da judge n da system cpdk lcdk

Posted 2014-07-08 16:03:25 UTC

Status This fqk nigga keep on txtn my phone saying wha they gon do to me .. I keep 2 pistols
usually these fck niggas better bring 4 or 3

(*Id.*) Horta did, in fact, “keep 2 pistols,” as he demonstrated in the image on the following page.



(*Id.* at 3 & Ex. E.)

3. Horta's Gang Tattoos

Horta emblazoned his body with tattoos that glorified gang life and violence (see GVO at 3 & Ex. D) and displayed those tattoos, along with gang hand signs, in images in Facebook, including the two on the following page in late 2014 and early 2015. (*Id.* at 3 & Ex. E.) The second image, entitled “102st crazy lil bitch out heaa,” shows a tattoo of Horta himself—his nickname “Blue” is on the hat—behind “102” (his chapter) and armed with a pistol pointed at the viewer.

Image



Linked Media File: linked_media/photos_788248481236034.jpg

Id 788248481236034

Title Still up wat mf talking about

Link <https://www.facebook.com/photo.php?fbid=788248481236034&set=a.133932053334350&type=3>

Upload Ip 64.53.132.230

Album Name Mobile Uploads

Uploaded 2014-10-12 07:36:11 UTC

Image



Linked Media File: linked_media/photos_846534835407398.jpg

Id 846534835407398

Title 102st crazy lil bitch out heaa

Link <https://www.facebook.com/photo.php?fbid=846534835407398&set=a.133932053334350&type=3>

Upload Ip 128.177.161.183

Album Name Mobile Uploads

Uploaded 2015-01-18 06:38:15 UTC

Horta posted the second image of his tattoos on January 18, 2015. Three days later, he made the following post ending with the reference that he is a Chicago Police Department killer (“cpdk”):

Posted 2015-01-21 15:00:17 UTC

Status fina head to this bitch ass court shit fuckin waste of a time cpdk

(GVO at 3 & Ex. G.) In the posts below and other posts in 2015 and 2016, Horta touted his devotion to the 102nd Street Chapter, his hatred for Spanish Vice Lords and law enforcement, and his embrace of the life of a gangster:

Posted 2015-08-27 20:41:51 UTC

Status ima live n die on 102 regardless REAL HUNNID SECOND SHIT

Posted 2015-11-27 01:56:46 UTC

Status Spanish vice lord killa till da death of me

Time 2016-08-26 16:12:45 UTC

Message I cant even sleep i got so much ta say FUCK DA FEDS FUCK DA POLICE FUCK DA DEA ☐

Time 2016-10-19 17:05:31 UTC

Story Real Doeboii shared a memory.

Message Gang bang every day we making mamas cry

(*Id.* at 3 & Ex. G.)

4. Horta’s Armed Robbery in January 2017

On January 31, 2017, Horta armed himself with a semi-automatic handgun, entered a barbershop that he knew Spanish Vice Lords patronized, and asked the barber, who was sitting with his back turned to Horta, how much for a cut. When the barber turned to face him, Horta was pointing his gun at the barber and then pulled back the slide of the gun and released it, showing that he was ready to shoot. Horta

demanded what was in the barber's wallet—about \$50—and searched the barbershop and stole an iPhone belonging to the barber as well as the \$50. (GVO at 3 & Ex. C.)

5. Horta's Murder of Alfonso Calderon

In the evening of April 9, 2017, while Alfonso Calderon, then age 24, was hanging out innocently with his girlfriend and friends in a lot, Horta was planning to have an armed confrontation with him. Horta knew that the party he had come to earlier that evening, at a house on South Green Bay Avenue near East 108th Street, was in a neighborhood claimed by the Spanish Vice Lords. Horta saw Calderon in the lot, conferred with two fellow Latin Kings, and decided to confront Calderon because, he believed, Calderon belonged to a different gang. When he approached Calderon, Horta began shooting almost immediately. Calderon could do nothing but run for his life, and when he tried to do so, Horta shot him in the back. (See Dkt. 2029 at 8-9.)

Horta showed up in surveillance video of the party at 6:39 p.m.², about an hour and a half before he shot Calderon to death. In the image on the following page, Horta is on the left side wearing a white sweatshirt and white hat, walking behind Latin King Geovanni Lopez and looking at some of the partygoers on the rear patio. The lot where Horta later confronted Calderon is on the other side of the fence with the opening, to the left of Horta and Lopez in the image.

² The time on the video was one hour ahead of the actual time.



Horta huddled with Lopez and Gabriel Abdallah, another Latin King, during the party. The image below shows the three Latin Kings in the bottom left corner at 7:31 p.m., Lopez wearing the hoodie with double Xs on the back and Abdallah wearing black clothing. The gate in the fence separating them from the lot is still open.



Ten minutes later, at about 7:41 p.m., a teenaged girl, who, sitting with a group of partygoers, had noticed the Latin Kings' interest in what was on the other side of the fence, stood up, walked across the patio and through the opening in the fence, and closed the gate before returning to her seat. Horta, who was then armed with a gun, already had begun planning to confront Calderon with it. (See Dkt. 2029 at 8-9.)

The image below shows Horta, Lopez, and Abdallah conferring near the closed gate about six minutes before the shooting, as a toddler rides his bicycle around them.



Horta, Lopez, and Abdallah opened the gate and walked through the fence to confront Calderon at 8:12 p.m., as the first image below shows. Immediately there was a commotion: the second image below shows that the teenaged girl who earlier had protectively closed the gate heard the commotion within about 20 seconds, stood up, and pointed out that something was wrong on the other side of the fence.



When he walked through the opening in the fence (shown below in 2019), joined and assisted by Lopez and Abdallah, Horta encountered a group of five people including Alfonso Calderon, who was unarmed.



Horta demanded that Calderon leave the area, pulled out the gun in his possession, and began firing shots at Calderon, who turned away from the gunfire and began running from Horta toward the street near the top of the image below.



Horta continued shooting at Calderon and hit him in his right hand and left bicep, the left side of his torso, his chest, and his back. Calderon, mortally wounded, managed to run out of the lot and stumble across the street before he collapsed in a neighbor's yard. He never got up. (See Dkt. 2029 at 9.)

It was to further the Latin Kings that Horta murdered Calderon. (*Id.*)

Six months after killing Calderon, Horta made the following post in Facebook:

Posted 2017-10-12 12:28:30 UTC
Status Young strapped n dgaf 𠁿𠁿

(GVO at 3 & Ex. G.) “Strapped” means armed with a gun. “Dgaf”?

It means “don’t give a fuck.”³

II. Sentencing Guidelines Calculations

Horta pleaded guilty to the racketeering conspiracy charged in Count One of the third superseding indictment, including the murder of Alfonso Calderon, which enhances the maximum term of imprisonment from 20 years to life.⁴ The parties in the plea agreement calculated Horta’s Guidelines range as 292 to 365 months’ imprisonment (Offense Level 40 and CHC I). The Probation Office calculated his range as 324 to 405 months (Offense Level 40 and CHC II). The difference in the calculations arises from the Probation Office’s discovery of countable convictions

³ See <https://en.wiktionary.org/wiki/DGAF> (last visited Aug. 21, 2020).

⁴ The parties in the plea agreement agreed, subject to the court’s approval, that Horta’s sentence will be no fewer than 25 years and no more than 35 years in prison. (Dkt. 2029 ¶ 11.)

missing from the plea agreement. After reviewing those convictions, the government agrees that Horta's criminal history category is II, moving his Guidelines range to 324 to 405 months' imprisonment.

A. The Total Offense Level in the Count of Conviction Is 40.

Each underlying racketeering offense by Horta counts as if it were contained in a separate count of conviction, pursuant to Guidelines § 2E1.1(a)(2) and Application Note 1. The parties and Probation Office rely on the following underlying offenses by Horta: the first-degree murder of Alfonso Calderon, which triggers offense level 43 under Guidelines § 2A1.1, and conspiracy to commit murder, which triggers offense level 33 under Guidelines § 2A1.5(a). (Dkt. 2029 ¶¶ 9(b)(ii)-(iii); PSR ¶¶ 34-47.⁵) The parties and Probation Office also agree that the multiple-count grouping analysis yields no increase in the offense level. (Dkt. 2029 ¶ 9(b)(vi); PSR ¶¶ 48-51.) Lastly, the parties and Probation Office agree that Horta qualifies for the two- and one-level discounts for acceptance of responsibility. (Dkt. 2029 ¶¶ 9(b)(v)-(vi); PSR ¶¶ 53-54.) The total offense level is therefore 40. (Dkt. 2029 ¶ 9(d); PSR ¶ 55.)

⁵ See also *Porraz*, 943 F.3d at 1103 (affirming application of Section 2A1.5(a) to Horta's co-defendant Ruben Porraz, "emphasiz[ing] that murder can be a reasonably foreseeable result of a defendant's gang activities even if he did not kill anyone or otherwise personally participate in a murder"); *Garcia*, 754 F.3d at 484-85 (holding that Section 2A1.5 applied, notwithstanding absence of evidence that defendant directly participated in murders, because conspiracy to commit murder was foreseeable to defendant by virtue of his membership in Latin Kings and in furtherance of gang's jointly undertaken activities).

B. The Defendant's Criminal History Category Is II.

Horta's criminal history, however it's calculated, came to an end only because of his arrest in this case. The Probation Office discovered two juvenile convictions that the parties did not: (1) a 2011 battery conviction, which receives one criminal history point; and (2) a 2015 conviction for unlawful possession of cannabis, which also receives one point. (PSR ¶¶ 61-62.) The government agrees with the Probation Office's analysis and consequent placement of Horta in Criminal History Category II. That change has no effect on the government's sentencing recommendation.

III. The Section 3553(a) Factors Support a 360-Month Sentence.

A 360-month sentence is reasonable and appropriate in this case because the Section 3553(a) factors weigh in favor of it.

A. The Seriousness of the Offense

Murder is among the most serious offenses, and Horta's murder of Calderon was reprehensible and senseless. Horta lay in wait for Calderon in the rear patio on April 9, 2017, scheming with his fellow Latin Kings as children played around them and ordinary people enjoyed the social gathering, biding his time to go after Calderon. Horta let Lopez open the gate in the fence and go through first. Calderon had little chance to escape: Horta began shooting at him almost straight away and, when Calderon attempted to run away, kept shooting at him, killing him.

It is aggravating that Horta committed the murder for the Latin Kings—for a street gang that, through violence and threats of violence, has spread terror in

communities in and around Chicago for generations. Acting through the gang's manifesto and constitution, members of the Latin Kings have infested the southeast side of Chicago and elsewhere with violence, drug-dealing, and witness intimidation. Horta was a full, fanatical participant in the gang's criminal activities, selling drugs, robbing, and shooting. As Horta himself boasted, he was young, was "strapped" with a gun, and "didn't give a fuck." (See GVO at 3 & Ex. G.)

Calderon's mother, a sister, five brothers, and an aunt submitted letters that express their horror on April 9, 2017; their anger at Horta's having robbed Alfonso of his life and having robbed them of Alfonso; and their anguish at the loss of their son, brother, and nephew. Their letters describe a young man who had begun making his way in life as an adult, liked to draw, and loved and was loved by his family. (See SR.) They will carry the pain of his death for the rest of their lives.

B. The History and Characteristics of the Defendant

It is Horta's young age—when he joined the Latin Kings, when he killed Calderon, and now—that is the primary factor mitigating his offense. Horta's record otherwise consists of one aggravation after another across his at least five years in the Latin Kings. The government summarized that aggravating evidence above and in its GVO and exhibits.⁶ The government agrees with the Probation Office that no

⁶ Before Horta agreed to have his sentencing proceed by video, the government was prepared to play two videos in court. Because playing those videos on video may be impractical, the government points them out here for the court if the court wishes to view them before or during sentencing. The two videos are contained in a DVD that is marked as Exhibit H to the GVO; was provided to the court on August 13, 2020

factor warrants a departure from the Guidelines range. (PSR ¶ 129.)

C. The Needs to Provide Just Punishment and Deterrence and to Protect the Public from Further Crimes of the Defendant

It is vital to keep Horta off the streets for a very long time in order to protect the people in this district from further violent acts by him. It is vital also to communicate to the southeast side of Chicago and the rest of the district that carrying and using a gun can land you in federal prison for a long time and that shooting a person to death will keep you in prison for decades. Horta himself is incapable of being deterred in any other way, as is evident in his repeated criminal conduct and his social-media posts expressing hatred, contempt, and remorselessness. Horta avowed that his intention was to live and die for his 102nd Street Chapter:

Posted 2015-08-27 20:41:51 UTC
Status ima live n die on 102 regardless REAL HUNNID SECOND SHIT

(GVO at 3 & Ex. G.) That aspiration, if it persists, ought to wait at least 30 years.

(and to defense counsel and the Probation Officer earlier); and contains selections of videos from Horta's Facebook and Snapchat accounts.

The DVD's folder entitled "Horta Facebook videos" contains videos from Horta's Facebook account along with one video, entitled "Combined Facebook videos," that is a combination of some, but not all, of the videos in that folder. The folder entitled "Horta Snapchat videos" contains videos from his Snapchat account along with one video, entitled "Combined Snapchat videos," that is a combination of all of the videos in that folder. The two videos that the government would have played are "Combined Facebook videos" and "Combined Snapchat videos."

IV. The Length and Conditions of Supervised Release

The Section 3553(a) factors addressed above and those identified by the Probation Office (*see* PSR at 28) justify a three-year term of supervised release and the conditions proffered by the Probation Office. The conditions are appropriate given Horta's gang membership and conduct, past use of controlled substances, limited education and training, and financial obligations to his dependent children. The conditions will provide needed deterrence to criminal conduct, protect the public from further crimes of the defendant, encourage the defendant's professional development, provide drug monitoring and treatment, and keep the probation officer informed of the defendant's conduct, condition, and compliance.

V. Conclusion

For the reasons stated, the government respectfully requests that the court impose on Alonzo Horta a 360-month sentence, a three-year term of supervised release, and a \$100 special assessment.

Respectfully submitted,
JOHN R. LAUSCH, JR.,
United States Attorney

By: /s/ John D. Cooke
JOHN D. COOKE
ASHLEY A. CHUNG
BRIAN KERWIN
GRAYSON WALKER
Assistant United States Attorneys
219 South Dearborn Street
Chicago, Illinois 60604